

REMARKS

Applicant and the Examiner conducted a telephone interview on June 22, 2006, during which the Examiner indicated that the cited art fails to disclose a processing arrangement configured to set a user preference of the customizable vehicle component as a function of the position of the user with respect to the vehicle. Applicant agreed to add claims drawn to this feature, and has added independent claim 25 accordingly. It is respectfully submitted that new claim 25 does not add new matter, has adequate support throughout the Specification, and is allowable over the cited art.

Applicant has also amended independent claim 1 to better claim the features of the invention claimed therein. It is respectfully submitted that the amendments to claim 1 do not add new matter and have adequate support throughout the Specification. Applicant also makes clear that the amendments to claim 20 were not made for purposes of patentability or to avoid prior art. Rather, these amendments were made for the sole purpose of more clearly claiming the subject matter of the invention therein. By making such amendments, Applicant does not intend to relinquish any scope of equivalents afforded claim 1. If the Examiner disagrees, Applicant requests that he indicate so in response to this amendment.

Applicant has also amended claim 3 to place this claim back in dependent and original form present in the application as filed. It is respectfully submitted that the

amendments to claim 3 do not add new matter and have adequate support throughout the Specification. Applicant also makes clear that the amendments to claim 3 were not made for purposes of patentability or to avoid prior art. Rather, these amendments were made for the sole purpose of placing the claim back into its original form. Applicant does not intend to relinquish any scope of equivalents afforded claim 3. If the Examiner disagrees, Applicant requests that he indicate so in response to this amendment.

Otherwise, Applicant respectfully traverses all claim rejections for the reasons that follow:

I. REJECTIONS OF CLAIMS 1, 2, 4, 5 AND 7 UNDER 35 U.S.C. § 102(e)

Claims 1, 2, 4, 5 and 7 were rejected under 35 U.S.C. §102(e) as unpatentable over U.S. Patent No. 6,748,536 to Madau (hereinafter “Madau”). Respectfully, Applicant traverses.

Applicant agrees with the Examiner that Madau discloses setting of user preferences upon insertion of a key into the vehicle. Insertion of the key, however, merely passively initiates the process of customizing vehicle components. Nothing in this reference indicates that the Madau apparatus considers the position of the key in choosing which components to customize. This is in sharp contrast to claim 1, which requires that the processing arrangement be configured to “determine which of the plurality of

customizable vehicle components to customize based on information relating to the position of the identification device with respect to the vehicle.” The processing arrangement of claim 1 takes into account information relating to the position of the identification device when deciding which vehicle components to customize. This critical feature of claim 1 is completely lacking in Madau and in all other references cited by the Examiner.

For at least the foregoing reasons, it is respectfully submitted that claim 1 is allowable over Madau. Furthermore, since claims 2, 4, 5, and 7 ultimately depend from claim 1, it is respectfully submitted that these claims are allowable over Madau for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 1-2, 4-5 and 7 under 35 U.S.C. §102(e) be withdrawn.

II. REJECTIONS OF CLAIMS 3, 6, AND 8-24 UNDER 35 U.S.C. § 103(a)

Claim 6 was rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of U.S. Patent No. 6,538,560 to Stobbe et al. (hereinafter “Stobbe”); claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view Reimann et al. (“hereinafter “Reimann”); claims 8, 13-14, and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of U.S. Patent No. 6,759,943 to Lucy et al. (hereinafter “Lucy”); claim 15 was rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of Lucy, and

further in view of U.S. Patent No. 6,965,295 to Shimonomoto et al. (hereinafter “Shimonomoto”); claim 19 was rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of Lucy, and further in view of Stobbe; claims 9-12 were rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of U.S. Patent No. 6,700,475 to Geber et al. (hereinafter “Geber”); claims 16 and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of Lucy, and further in view of U.S. Patent No. 5,844,470 to Garnault et al. (hereinafter “Garnault”); claim 20, 21, 23, and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of Lucy, and further in view of Geber; and claim 22 was rejected under 35 U.S.C. §103(a) as unpatentable over Madau in view of Lucy, and further in view of Geber, and further in view of Stobbe. Respectfully, Applicant traverses.

As described above with respect to the §102(e) rejections of claims 1, 2, 4, 5, and 7, Madau fails to disclose a processing arrangement be configured to “determine which of the plurality of customizable vehicle components to customize based on information relating to the position of the identification device with respect to the vehicle,” as recited in claim 1. Furthermore, Stobbe, Reimann, Lucy, Shimonomoto, Garnault and/or Geber fail to cure this critical deficiency of Madau as applied against claim 1.

Furthermore, Lucy describes a method for automatically setting memory preferences from a remote vehicle entry device. As characterized, the remote memory

preference system of Lucy utilizes existing passive or active remote entry devices which may be used to store user preference settings. These settings may then be recalled by the user for setting user preferences. (Lucy; Abstract). As described in Lucy, the memory preferences system automatically sets user preferences when the remote entry device is “in range . . . where identifying data from remote entry device 40 may be electronically received . . .” (Lucy col. 3, line 67 to col. 4, line 7). I.e., if the system detects the signals of the remote entry device, user preferences are set. If the system does not detect the remote entry device, user preferences are not set. Thus, although “range” of the remote entry device affects whether the system sets user preferences, it does so only by virtue of the system being able to detect the signals when the remote entry device is in range. The system of Lucy performs absolutely no operation based on the range (or position) of the remote entry device with respect to the vehicle.

This is in sharp contrast to the invention of claim 1. Claim 1 recites that the processing arrangement “determine which of the plurality of customizable vehicle components to customize based on information relating to the position of the identification device with respect to the vehicle.” Thus, unlike Lucy, the processing arrangement of claim 1 takes into account information based on position of the identification device of the vehicle when setting the user preference. Lucy is completely silent on this novel and unobvious feature of claim 1.

The functionality of the Lucy system is also in sharp contrast to the invention of claim 20. Claim 20 recites that the processing arrangement be “configured to automatically set a user preference of the customizable vehicle component . . . as a function of which of the receiver circuits receives the identification signals wirelessly communicated by the transponder.” As described above, the Lucy system immediately sets user preferences when it detects the signals communicated by the remote entry device – an activity which is performed when the remote entry device is within a close enough “range” such that the system can detect the signals. There is absolutely nothing in Lucy which indicates that the system sets preferences based on which of a plurality of receiver circuits receives identification signals, much less based on “which of the receiver circuits receives the identification signals wirelessly communicated by the transponder,” as recited in claim 20.

Any reading of Geber makes clear that this reference fails to cure the critical deficiencies of Madau and Lucy as applied to independent claims 1 and 20. Geber only performs access operations based on proximity or range – i.e., only locking and unlocking of vehicle doors. There is nothing in Geber that discloses the setting of user preferences of customizable vehicle components, much less a processing arrangement configured to “determine which of the plurality of customizable vehicle components to customize based on information relating to the position of the identification device with respect to the

vehicle," as recited in claim 1. Nor is there anything in Geber which sets preferences based on which of a plurality of receiver circuits receives identification signals, much less based on "which of the receiver circuits receives the identification signals wirelessly communicated by the transponder," as recited in claim 20.

Accordingly, it is respectfully submitted that claim 1 is allowable over Madau when considered individually or in combination with Stobbe, Reimann, Lucy, Shimonomoto, and/or Geber. Furthermore, since claims 2, 4-19, 23 and 24 ultimately depend from claim 1, since independent claims 3 and 20 contain features analogous to those of claim 1, and since claims 21 and 22 ultimately depend from claim 20, it is respectfully submitted that these claims are allowable over Madau, Stobbe, Reimann, Lucy, Shimonomoto, Garnault and/or Geber for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 3, 6, and 8-24 under 35 U.S.C. §103(a) be withdrawn.

III. CONCLUSION

It is respectfully submitted that all present claims are in allowable over the cited prior art. Prompt examination and allowance of the claims is therefore earnestly solicited.

Dated: November 1, 2006

Respectfully submitted,

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail # EQ 640526860 US in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450, on November 1, 2006


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